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17 Plaintiff McAfee, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

22 TVIIM, LLC, a Colorado Limited liability
23 company,

23 Plaintiff and
24 Counterclaim-Defendant,

25 | v.

26 MCAFEE, INC., a corporation,
27 Defendant and
Counterclaim-Plaintiff

Case No. 3:13-cv-04545-HSG

**MCAFEE'S NOTICE
PURSUANT TO 35 U.S.C. § 282**

1 Pursuant to 35 U.S.C. § 282, Defendant McAfee, Inc. (“McAfee”) hereby gives
 2 notice that it may rely at trial on one or more of the following patents, publications, and
 3 other prior art to show anticipation and/or the “state of the art” of one or more claims of
 4 U.S. Patent No. 6,889,168 (“the ’168 patent”). Section II of this submission (“Other
 5 Documents/Prior Art”) includes a number of publications, products, and other items of
 6 prior art. By listing each of these items separately, McAfee does not mean to suggest that
 7 each item is necessarily a distinct and standalone prior art reference; to the contrary, many
 8 of these items relate to and describe the same pieces of prior art. McAfee may also rely
 9 on the person(s) listed below as prior inventors or as having prior knowledge of or as
 10 having previously used or offered for sale the alleged invention(s) of the ’168 patent.

11 In addition to the items and people listed below, McAfee incorporates as if cited
 12 herein all patents, publications, and other prior art cited in the expert reports submitted by
 13 McAfee in this action.

14 McAfee also incorporates by reference all prior art cited and/or contained in the
 15 prosecution records of patent applications filed in the United States or elsewhere that are
 16 related to the applications that issued as the ’168 patent.

17 **I. PATENTS**

No.	Country	Patent / Publication No.	Date Issued/Published	Patentee
1.	United States	6,151,643	November 21, 2000	Cheng <i>et al.</i>
2.	United States	5,586,304	September 8, 1994	Stupek <i>et al.</i>
3.	United States	5,812,763	September 22, 1998	Teng
4.	United States	5,845,077	December 1, 1998	Fawcett
5.	United States	5,931,946	August 3, 1999	Terada <i>et al.</i>
6.	United States	6,070,244	May 30, 2000	Orchier <i>et al.</i>
7.	United States	5,892,903	April 6, 1999	Klaus

No.	Country	Patent / Publication No.	Date Issued/Published	Patentee
8.	United States	5,961,644	October 5, 1999	Kurtzberg <i>et al.</i>
9.	Japan	07-262135	October 13, 1995	Saito

II. OTHER DOCUMENTS/PRIOR ART

No.	Title, Date, Page Numbers
1.	HostGUARD: What Computer Security Tool Will You Use? (HostGUARD Brochure) (1996) (EK0000026-EK0000029)
2.	Trident Unveils HostGUARD, One of the Most Effective UNIX Security Tools Ever Developed (HostGUARD Webpage) (January 1997) (84902DOC004548-84902DOC004549)
3.	The Weekly: Trident Shines at Security Show (November 1996) (EK0000006-EK0000007)
4.	Trident Data Systems Launches Comprehensive Information Protection Program (LexisNexis) (November 1996) (84912DOC000001-84912DOC000002)
5.	Trident Data Systems Launches Comprehensive Information Protection Program (print) (November 1996) (84902DOC004556-84902DOC004558)
6.	Trident Data Systems Launches Comprehensive Information Protection Program (html) (November 1996) (84902DOC004559-84902DOC004561)
7.	Email from E. Knight to Potential Employers entitled "Computer Security Architect/Researcher" (November 2002) (84902DOC004550-84902DOC004553)
8.	Trident Data System Information Protection Program (Description of HostGUARD) (undated) (84902DOC013638-84902DOC013652)
9.	Threat & Hands-On Vulnerability Assessment (HostGUARD) (January 1997) (84902DOC004554-84902DOC004555)
10.	Comprehensive Enterprise Network Security Assessment (S3 Paper) (December 1996) (84902DOC004971-84902DOC004977)
11.	System Security Scanner (S3) 1.0 User Guide and Reference Manual (May 1997) (84902DOC004994-84902DOC005057)

No.	Title, Date, Page Numbers
12.	System Security Scanner (S3) 1.0 User Guide and Reference Manual (color) (May 1997) (Table of Contents pg. 1 - Appendix B pg. 4) (available at https://web.archive.org/web/19970517135502/http://iss.net/eval/manual/s3/index.html)
13.	System Security Scanner (S3) 1.1 User Guide and Reference Manual (July 1997) (84902DOC005122-84902DOC005208)
14.	System Security Scanner (S3) 1.1 User Guide and Reference Manual (color) (July 1997) (Table of Contents pg. 1 - Appendix B pg. 6) (available at https://web.archive.org/web/19970709203408/http://www.iss.net/eval/manual/s3/index.html)
15.	System Security Scanner (S3) 1.0: Product Profile (May 1997) (84902DOC002635-84902DOC002661)
16.	System Security Scanner: Datasheet (January 1998) (84902DOC005209-84902DOC005210)
17.	About Internet Security Systems (December 1996) (84902DOC004965-84902DOC004970)
18.	Managing Distributed Systems Newsletter for Highlights: Application Excellence Award AXENT Technologies OmniGuard (August 1996) (84902DOC001401-84902DOC001406)
19.	Enterprise Security Manager (ESM) Technical Manual (April 1995) (84902DOC002670-84902DOC003025)
20.	ESM Technical Manual (1995) (SYMC000001-SYMC000356)
21.	User Manual for Axent OmniGuard/ESM Version 4.0 (1994) (84902DOC000937-84902DOC001172)
22.	OmniGuard/Enterprise Security Manager (ESM) 4.4 (September 1997) (84902DOC002342-84902DOC002345)
23.	OmniGuard Enterprise Security Manager, Attachment A (April 1995) (84902DOC002183-84902DOC002196)
24.	OmniGuard/Enterprise Security Manager (ESM) Brochure (July 1997) (84902DOC004265-84902DOC004268)
25.	Enterprise Security Manager (ESM) User Interface (July 1997) (84902DOC004541-84902DOC004543)
26.	1996 Archive of www.axent.com (1996) (84902DOC006034-84902DOC006200)
27.	1997 Archive of www.axent.com (1997) (84902DOC001290-84902DOC002181)

No.	Title, Date, Page Numbers
28.	Security Administration in an Open Networking Environment (Casella Paper) (September 1995) (84902DOC011293-84902DOC011301)
29.	USENIX Association, Proceedings of the Ninth Systems Administration Conference (LISA IX), Table of Contents, September 17-22, 1995, Monterey, CA, USA (September 1995) (84917DOC000001-84917DOC000004)
30.	Oil Change for Windows 95 Quick Start Guide (CD Insert) (1996) (84902DOC000518-84902DOC000537)
31.	Oil Change: Reviewer's Guide (May 1997) (84902DOC007000-84902DOC007006)
32.	CyberMedia Ships Oil Change (October 1996) (84902DOC000513-84902DOC000515)
33.	Oil Change: Home (March 1997) (84902DOC006997-84902DOC006997)
34.	Oil Change: Give Your PC an Automatic Tune-Up (May 1997) (84902DOC006998-84902DOC006999)
35.	Oil Change: Keeping Your Software Up to Date (June 1996) (84902DOC003702-84902DOC003703)
36.	First Look at CyberMedia Oil Change (undated) (84902DOC002316)
37.	Oil Change: Software Clogged Up? (December 1996) (84902DOC006995-84902DOC006996)
38.	Oil Change Tops Off PCs With Automatic Software Updates (May 1996) (84902DOC007014)
39.	Oil Change: About Scheduling a Scan (February 1999) (84902DOC010637)
40.	Oil Change: Schedule a Scan (March 1999) (84902DOC011292)
41.	Bindview Password Sentry NLM Product Description (April 1997) (84902DOC003961-84902DOC003962)
42.	BoKS Administration: Version 4.0 (1993) (84902DOC012116-84902DOC012385)
43.	Netective: Description (1997) (84902DOC012615)
44.	Netective Probes Security Holes (December 1997) (84902DOC010730)
45.	The COPS Security Checker System (1990) (84902DOC004044-84902DOC004059)

No.	Title, Date, Page Numbers
46.	COPS Overview (1993) (84902DOC010638-84902DOC010640)
47.	COPS v. 1.04+ README.2.sh (1993) (84902DOC012671-84902DOC012673)
48.	SAINT: A Security Analysis Integration Tool (May 1996) (84902DOC003113-84902DOC003125)
49.	Defense Technical Information Center (DTIC) Review (2000) (84902DOC004269-84902DOC004477)
50.	Configuration Engine V2.0 A Network Unix Configuration Tool (September 1993) (84902DOC012415-84902DOC012458)
51.	The TAMU Security Package: An Ongoing Response to Internet Intruders in an Academic Environment (1993) (84902DOC003966-84902DOC004021)
52.	Security Profile Inspector for the UNIX Operating System - User Guide (Oct. 1994) (84902DOC003320-84902DOC003366)
53.	Practical Unix & Internet Security (2d ed. 1996) (pp. v-971)
54.	SPAN Security Policies and Guidelines (1989) (84902DOC003519-84902DOC003578)
55.	Tivoli/Plus for BoKS User's Guide (March 1996) (84902DOC012745-84902DOC012858)
56.	Automated Information System (AIS) Alarm System (October 1997) (84902DOC002357-84902DOC002368)
57.	Declaration of Christopher Butler (Internet Archive) (November 2014) (84902DOC013686-84902DOC014092)
58.	Network Associates Launches CyberCop-Network Intrusion Detection Technology (February 1998) (84902DOC011597-84902DOC011598)
59.	What Satan Is (1995) (84902DOC011602)
60.	Designing and Attacking Port Scan Detection Tools (July 1998) (84902DOC011646-84902DOC011656)
61.	Improving the Security of Your Site By Breaking into It (1993) (84902DOC011623-84902DOC011638)
62.	The Ins and Outs of a Network Security Audit (March 1998) (84902DOC011640-84902DOC011644)
63.	Titan (1998) (84902DOC011658-84902DOC011669)

No.	Title, Date, Page Numbers
64.	Test Center Comparison (February 1999) (84902DOC011604-84902DOC011621)
65.	CyberCop Screen Shot (1997) (84902DOC011670-84902DOC011671)
66.	Security (March 2000) (84902DOC011672)
67.	Certified file history for U.S. Patent No.6,889,168 (1998-2005) (84902DOC011428-84902DOC011826)
68.	Certified U.S. Patent Application No. 60/091,270 (Provisional Application for U.S. Patent No. 6,889,168) (June 1998) (TVIIM000503-TVIIM000764)
69.	U.S. Patent Application No. 60/091,270 (June 1998) (VOCK000896-VOCK001155)
70.	U.S. Patent Application No. 60/091,270 (June 1998) (84902DOC010374-84902DOC010633)
71.	HostGUARD software (84922DOC017514-84922DOC017516)
72.	System Security Scanner v. 1.0.2 software (1996) (Taylor000038)
73.	Enterprise Security Manager (ESM) software (SYMC001834)
74.	Oil Change for Windows 95 software (1996) (84902DOC000516-84902DOC000517)

III. PERSONS TO BE IDENTIFIED UNDER 35 U.S.C. § 282

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1.	Bruce Hartley	322 Grand Overlook Drive, Seneca, South Carolina 29678.
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4.	Ronald Toman	Contact through McAfee's counsel.
5.	Curtis Vock	Contact through TVIIM's counsel.
6.	John Teddy	Contact through McAfee's counsel.
7.	Patrick Taylor	Contact through McAfee's counsel.

	Person	Address
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9.	Robert Parker	Contact through McAfee's counsel.
10.	Karen A. Casella	300 Babe Thompson Road, Watsonville, CA 95076.

McAfee reserves the right to supplement or to modify the foregoing through and including the time of trial.

Dated: June 15, 2015

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ATTESTATION OF E-FILED SIGNATURES

I, Christine C. Capuyan, am the ECF user whose ID and password are being used to file this Notice Pursuant to 35 U.S.C. § 282. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in this filing had been obtained from Joseph J. Mueller.

Dated: June 15, 2015

/s/ Christine C. Capuyan

Christine C. Capuyan

CERTIFICATE OF SERVICE

12 I hereby certify under penalty of perjury under the laws of the United States that a
13 true and correct copy of the above and foregoing document has been served on June 15,
14 2015 to all counsel of record who are deemed to have consented to electronic service via
15 the Court's ECF system per Civil Local Rule 5-1.

Dated: June 15, 2015

/s/ Christine C. Capuyan

Christine C. Capuyan